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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 7091 of 2007

Petitioner M/s. Akash Fuels through its proprietor Smt. P. Agrawal, Aged about 54 years, R/o. Village: Khamaria, Post-Arjuni, District Raipur (CG).

Versus

Respondents

1) Union of India, through Ministry of Coal, New Delhi.

2) Coal India Limited, through its Chairman 10, Netaji Subhash Road, Colkata.

3) South Eastern Coal Fields Limited., through Chief Managing Director, SECL, Bilaspur (CG).

4) Director Technical, SECL, Bilaspur (CG).

5) General Manager Sales, SECL, Bilaspur (CG).

6) Chief Sales Manager, SECL, Bilaspur (CG).

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri Y.C. Sharma, counsel for the petitioner.
Shri B.R. Maity, Advocate appears on behalf of Shri S.K.Beriwal, Standing Counsel for Union of India/respondent No.1.
Shri P.S. Koshy, counsel for respondents No. 2 to 6.

ORAL ORDER

(Passed on 29th November, 2007)

Learned counsel appearing for the petitioner submits that the issue involved in this petition was under consideration before the Supreme Court in Civil Appeal No. 5302 of 2006 (M/s. Ashoka Smokeless Coal India Pvt. Ltd. & others Vs. Union of India and others). Learned counsel further prays that the respondents-authorities may be directed to consider the representation of the petitioner, in accordance

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with law and in the light of judgment and order dated 1-12-2006 passed by the Supreme Court in M/s. Ashoka Smokeless Coal India Pvt's case (supra). Learned counsel last submits that the case of the petitioner is squarely covered by the judgment and order dated 1-12-2006 passed by the Supreme Court in M/s. Ashoka Smokeless Coal India Pvt's case (supra).

2) In view of the above submission made by the petitioner, Shri P.S. Koshy, learned counsel appearing for the respondents No. 2 to 6 submits that if an application is filed by the petitioner before the respondents No. 3 to 6/authorities , the same would be considered in accordance with law and in the light of the judgment and order dated 1-12-2006 passed by the Supreme Court in M/s. Ashoka Smokeless Coal India Pvt's case (supra).

3) Without making any observation on merit, the petitioner is at liberty to make appropriate representation before the respondents No. 3 to 6/ authorities. The respondents No. 3 to 6/authorities, in turn, shall consider and decide the same, in accordance with law and in the light of the judgment and order passed by the Supreme Court in M/s. Ashoka Smokeless Coal India Pvt's case (supra), within a period of three months from the date of receipt of the representation.

4) Accordingly, the petition stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Raju